N.	1	T	N	TI	T	\mathbf{F}	C
- 1		•				٠,	, 7

1
2
3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

3132

The State Board of Elections Board Meeting was held on Tuesday, May 14, 2013. The meeting was held in the General Assembly Building, Room D, in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager; Susan Lee, Election Uniformity Manager; Martha Brissette, SBE Policy Analyst; Myron McClees, SBE Policy Analyst; and Matt Abell, Election Services Lead. Chairman Judd called the meeting to order at 4:00PM.

The first order of business was the approval of the Minutes from the State Board of Elections Board Meeting held on April 3, 2013. After a careful review, Vice Chair Bowers made a motion to approve the Minutes. Secretary Palmer seconded the motion and the Board unanimously approved the Minutes.

The second order of business was the Secretary's Report delivered by Secretary Palmer. The Secretary's Report is an agenda item for each Board meeting describing recent developments at SBE. Secretary Palmer reported that testing for the ES&S 3.4.0.1 which includes the DS850 high speed scanner was conducted at SBE. Secretary Palmer stated that the testing phase was successful. Secretary Palmer stated that the various types of equipment tested will be used in the June 2013 Primary in Chesterfield County. Secretary Palmer stated that request for approval for certification of the new equipment will be presented to the Board in July, 2013. Secretary Palmer stated that the Dominion Democracy System 4.1.4 is also currently being tested. Secretary Palmer noted that several voting equipment vendors have held expositions throughout the state and had the opportunity to show their products to members of the election community and other stakeholders. Secretary Palmer stated that implementation of the online registration bill is moving forward with the assistance of Matt Davis, IS Manager and the SBE team. Secretary Palmer stated that the online registration system will be operational by July 1, 2013. Secretary Palmer stated that work on SB1256, the photo identification bill, is moving forward and that the SBE team is looking at the procurement process in support of the bills' implementation on July 1, 2014.

The next order of business was the Legal Report delivered by Joshua Lief, Senior Assistant Attorney General and SBE Counsel. The Legal Report is an agenda item for each Board Meeting describing non privileged legal issues involving SBE. Mr. Lief reported that the Attorney General's office submitted the preclearance documents to the Department of Justice for the bills signed by the Governor that will take effect in 2013. Mr. Lief reported that there are two pending cases; the *Libertarian Party* case which is in the Federal Circuit Court of Appeals and the *Fairfax County Democratic Party* case against SBE and the General Registrar of Fairfax County. Mr. Lief reported that the Supreme Court decision on Section 5 of the Voting Rights Act is expected this summer.

The next order of business was the State Board of Elections review of existing regulations presented by Deputy Secretary Justin Riemer. Deputy Riemer provided a review of the history of conducting reviews and the requirements of the review process. Deputy Riemer stated that each regulation must be reviewed every four years and that the agency shall provide for a minimum of 21 days of public comment. Deputy Riemer stated that no later than 60 days after the close of the public comment period, the agency shall post a completed periodic review report on Town Hall and that the Attorney General's Office would examine the regulation to ensure statutory authority. Deputy Riemer stated that as a result of the periodic review the results would be reported to the appropriate Secretary and Counselor to the Governor. Deputy Riemer stated that around August 2013 SBE Board Members would be presented a report that summarized the public comments. Chairman Judd inquired if there were any public comments. Robin Lind, Virginia Electoral Board Association, approached the podium and stated that he was in support of any review of regulations and the invitation to comment on the regulations was appreciated and welcomed. Chairman Judd inquired if there were any other questions and there were none. Secretary Palmer moved that the Board approve the State Board staff proposed plan for the State Board of Elections' periodic review of regulations. Vice Chair Bowers seconded the motion and the Board unanimously approved the motion. Chairman Judd asked if there were any comments and there were none.

The next order of business was the request for Board approval to post draft regulations for public comment to Virginia's Regulatory Town Hall. The following regulations were presented to Board Members for approval to post to Virginia Regulatory Town Hall:

• Appeals of Petition Signature Insufficiency Proposed Regulation presented by Chris Piper, Election Services Manager.

- Material Omissions on Candidate Petitions Regulations presented by Chris Piper, Election Services Manager.
- Material Omissions on Referenda Petitions Regulations presented by Chris Piper, Election Services Manager.
- When a Ballot is Cast Regulation presented by Myron McClees, SBE Policy Analyst.
- Material Omissions on Absentee Envelope B Regulation presented by Martha Brissette, SBE Policy Analyst.
- Material Omissions on Federal Write-In Absentee Ballots presented by Martha Brissette, SBE Policy Analyst.
- Early Processing of Absentee Ballots Regulation presented by Martha Brissette, SBE Policy Analyst.

SBE staff members presented their materials and requested that the Board approve the posting to seek public comment on the proposed regulations. Chairman Judd inquired if there were any public comments and there were none. Board Members unanimously approved each of the proposed regulations for posting onto the Virginia Regulatory Town Hall for public comment.

The next order of business was the draft revised Voter Registration Application presented by Chris Piper, Elections Services Manager. Mr. Piper stated that on May 1, 2013, SBE staff issued official communication announcing that draft forms redesigning the current Virginia Voter registration and absentee ballot applications were available for public comment. Mr. Piper stated that those public comments received would be available for Board review and consideration at its meeting on May 22, 2013. Chairman Judd inquired if there were any public comments and there were none.

The next order of business was the draft revised Absentee Ballot Application presented by Martha Brissette, SBE Policy Analyst. Ms. Brissette stated that on May 1, 2013, SBE staff issued official communication announcing that draft forms redesigning the current Virginia Voter Registration Application and Absentee Ballot Application were open for public comment. Ms. Brissette stated that those public comments received

96 would be available for Board review and consideration at its meeting on May 22, 2013. 97 Chairman Judd inquired if there were any public comments and there were none. 98 99 Chairman Judd stated that the New Business portion of the agenda had concluded 100 and inquired if there was any other business to come before the Board. Hope Amezquita 101 representing the American Civil Liberties Union of Virginia approached the podium and 102 informed the Board that the organization had sent a letter to the SBE office regarding 103 Virginia's new voter identification law on May 7, 2013. Ms. Amezquita stated that her 104 letter contained suggestions about the new law that would help ensure that Virginia's 105 elections are fair, free, and accessible for all Virginia citizens. Ms. Amezquita stated that 106 she came before the Board to ask for those considerations and thanked the Board 107 Members for their time. Chairman Judd thanked Ms. Amezquita for her comments. 108 Chairman Judd inquired if there were any other public comments. 109 Michelle Kanter Cohen approached the podium. Ms. Cohen stated that she was 110 present on behalf of the Project Vote. Ms. Cohen inquired if the Board Members had any 111 questions. Chairman Judd polled the Board Members and stated that there were no 112 questions. Ms. Cohen thanked the Board for their time. 113 Chairman Judd asked if there was any other business to come before the Board for the Good of the Order and with there being none Chairman Judd made a motion to 114 115 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the motion. The Board shall reconvene on May 22, 2013 at 10:00 AM in the General 116 Assembly Building, Room C. The meeting was adjourned at approximately 117 5:20PM. 118 119 120 Secretary 121 122 123 124 125 Chair

130

Vice-Chair

